

Message Text

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12/73

ACTION IO-10

INFO OCT-01 EA-10 ISO-00 AF-10 ARA-10 EUR-12 NEA-10 RSC-01

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05

PA-02 PRS-01 SP-02 SS-15 USIA-15 DPW-01 ACDA-10 LS-01

SCA-01 /131 W

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R 072340Z NOV 74

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 7182

INFO AMEMBASSY PHNOM PENH

AMEMBASSY SAIGON

AMEMBASSY VIENTIANE

USMISSION GENEVA

CINCPAC UNN

UNCLAS SECTION 1 OF 2 USUN 4808

C O R R E C T E D COPY (FOR PARA 4 OF FOREIGN TEXT AND ALL AFTER)

E.O. 11652 NA

TAGS UNGA, PFOR, SHUM

SUBJECT: 29TH GA--PLENARY CONSIDERATION OF RESOLUTION ON
MISSING OR DEAD IN ARMED CONFLICT

1. TRANSMITTED BELOW ARE FRENCH AND ENGLISH TEXTS OF RES
ON "ASSISTANCE AND COOPERATION IN ACCOUNTING FOR PERSONS
WHO ARE MISSING OR DEAD IN ARMED CONFLICTS."

2. RES, WHICH WAS US INITIATIVE, WAS PASSED BY GA ON NOV 6
BY VOTE OF 95(US)-0-32. VOTE WAS NOT RECORDED BUT OUR
UNOFFICIAL RECORDS INDICATE THAT SOVIET BLOC, ARAB STATES
(WITH EXCEPTION OF EGYPT AND SAUDI ARABIA) AND A FEW AFRICAN
COUNTRIES (EQUATORIAL GUINEA, GUINEA, GUINEA-BISSAU,
MAURITANIA) ACCOUNTED FOR ABSTENTIONS.

3. ONLY DELS WHO SPOKE ON THIS RES DURING PLENARY DEBATE
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WERE NIGER (SUPPORT SHOULD IN NO WAY DETRACT FROM VIGOROUS

OPPOSITION TO IMPERIALIST WARS) AND EGYPT (SUPPORTING BUT EMPHASIZING IN IMPLIED REFERENCE TO ISRAEL THAT ALL GENEVA CONVENTIONS OF 1949 REFERRED TO IN RES WERE OF EQUAL IMPORTANCE AND COULD NOT BE SELECTIVELY APPLIED.

4. FOLLOWING GA APPROVAL, MISSION ISSUED PRESS RELEASE WHICH EXPRESSED OUR PLEASURE AT WIDE SUPPORT OF HUMANITARIAN RES WHICH DEALS WITH PROBLEMS OF UNIVERSAL CONCERN (COPIES POUCHED DEPT)

QUOTE ASSISTANCE ET COOPERATION DANS LA RECHERCHE DE PERSONNES DISPARUES OU DECEDEES LORS DE CONFLITS ARMES

L'ASSEMBLEE GENERALE,

RAPPELANT QUE L'UN DES BUTS DE L'ORGANISATION DES NATIONS UNIES EST LA PROMOTION DE LA COOPERATION INTERNATIONALE POUR RESOUDRE LES PROBLEMES DE CARACTERE HUMANITAIRE,

REGRETTANT QUE, EN VIOLATION DES PRINCIPES DE LA CHARTE DES NATIONS UNIES; LE RECOURS A LA FORCE SUBSISTE, ENTRAINANT DES PERTES EN VIES HUMAINES ET DE VASTES RAVAGES ET CAUSANT D'AUTRES FORMES DE SOUFFRANCES A L'HUMANITE,

REAFFIRMANT QU'UNE DES OBLIGATIONS FONDAMENTALES DES ETATS MEMBRES EST D'ASSURER ET DE PROMOUVOIR LA PAIX ET LA SECURITE INTERNATIONALES EN EVITANT OU EN METTANT FIN AUX CONFLITS ARMES,

RECONNAISSANT QU'UNE DES CONSEQUENCES TRAGIQUES DES CONFLITS ARMES EST LE MANQUE DE RENSEIGNEMENTS SUR LES PERSONNES, CIVILS AUSSI BIEN QUE COMBATTANTS, DISPARUES OU DECEDEES LORS DE CONFLITS ARMES,

NOTANT AVEC SATISFACTION LA RESOLUTION V ADOPTEE PAR LA VINGT-DEUXIEME CONFERENCE INTERNATIONALE DE LA CROIX-ROUGE TENUE A TEHERAN DU 28 OCTOBRE AU 15 NOVEMBRE 1973 ET DANS LAQUELLE LES PARTIES AUX CONFLITS ARMES SONT INVITEES A ACCOMPLIR LA TACHE HUMANITAIRE CONSISTANT A RECHERCHER LES PERSONNES DISPARUES OU DECEDEES LORS DE CONFLITS ARMES
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/8/,

TENANT COMPTE DU FAIT QU'IL EST INADMISSIBLE DE REFUSER D'APPLIQUER LES CONVENTIONS DE GENEVE DE 1949 /9/,

REAFFIRMANT LE BESOIN URGENT D'ASSURER UNE ADHESION INTEGRALE AUX CONVENTIONS DE GENEVE DE 1949 SUR LA PROTECTION DES VICTIMES DE GUERRE ET LEUR APPLICATION EFFECTIVE PAR

TOUS LES ETATS, ET EN PARTICULIER PAR LES SIGNATAIRES DES
CONVENTIONS DE GENEVE DE 1949,

CONSIDERANT QUE LE DESIR DE CONNAITRE LE SORT DES PERSONNES
CHERES DISPARUES LORS DE CONFLITS ARMES EST UN BESOIN
HUMAIN FONDAMENTAL AUQUEL IL FAUT REpondRE DANS TOUTE LA
MESURE DU POSSIBLE, ET QUE LA COMMUNICATION DE RENSEIGNE-
MENTS SUR LES PERSONNES QUI ONT DISPARU OU QUI ONT PERI
LORS DE CONFLITS ARMES NE DOIT PAS ETRE RETARDES SIMPLEMENT
PARCE QUE D'AUTRES PROBLEMES RESTENT PENDANTS,

1. REAFFIRME QUE LES CONVENTIONS DE GENEVE DE 1949
S'APPLIQUENT A TOUS LES CONFLITS ARMES, COMME IL EST STIPULE
DANS LESDITES CONVENTIONS,

2. DEMANDS AUX PARTIES A DES CONFLITS ARMES, QUELS QU'EN
SOIENT LA NATURE OU LE LIEU, DE PRENDRE, PENDANT ET APRES
LES HOSTILITES CONFORMEMENT AUX CONVENTIONS DE GENEVE DE
1949, TOUTES MESURES QUI SERONT EN LEUR POUVOIR POUR AIDER
A LOCALISER ET A IDENTIFIER LES TOMBES DES VICTIMES, POUR
FACILITER L'EXHUMATION ET LA RESTITUTION DES CORPS, SI
LES FAMILLES LE DEMANDENT, ET POUR FOURNIR DES RENSEIGNE-
MENTS SUR LES PERSONNES DISPARUES AU COMBAT;

3. APPRECIE LES EFFORTS SOUTENUS DEPOSEES PAR LE COMITE
INTERNATIONAL DE LA CROIX-ROUGE POUR AIDER A LA RECHERCHE
DES PERSONNES DISPARUES OU DECEDEES LORS DE CONFLITS ARMES;

4. DEMANDE A TOUTES LES PARTIES A DES CONFLITS ARMES DE
COOPERER, CONFORMEMENT AUX CONVENTIONS DE GENEVA DE 1949,
AVEC LES PUISSANCES PROTECTRICES OU LEURS SUB-
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STITUTS ET AVEC LE COMITE INTERNATIONAL DE LA CROIX-ROUGE,
EN FOURNISSANT DES RENSEIGNEMENTS SUR LES PERSONNES DISPARUES
OU DECEDEES LORS DE CONFLITS ARMES, Y COMPRIS LES RESSOR-
TISSANTS D'AUTRES PAYS NON PARTIES AUX CONFLITS ARMES;

5. PRIE LE SECRETAIRE GENERAL DE PORTER LA PRESENTE RESOLUTION
A L'ATTENTION DE LA DEUXIEME SESSION DE LA CONFERENCE DIPLO-
MATIQUE SUR LA REAFFIRMATION ET LE DEVELOPPEMENT DU DROIT
INTERNATIONAL HUMANITAIRE APPLICABLE DANS LES CONFLITS
ARMES.

/8/ REVUE INTERNATIONALE DE LA CROIX-ROUGE NO 154 (JANVIER 1974).

/9/ NATIONS UNIES, RECUEIL DES TRAITES, VOL. 75, NOS 970-973.

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QUOTE ASSISTANCE AND CO-OPERATION IN ACCOUNTING FOR PERSONS
WHO ARE MISSING OR DEAD IN ARMED CONFLICTS

THE GENERAL ASSEMBLY,

RECALLING THAT ONE OF THE PURPOSES OF THE UNITED NATIONS
IS THE PROMOTION OF INTERNATIONAL CO-OPERATION IN SOLVING
INTERNATIONAL PROBLEMS OF HUMANITARIAN CHARACTER,

REGRETTING THAT, IN VIOLATION OF THE PRINCIPLES OF THE CHARTER
OF THE UNITED NATIONS, THE RESORT TO FORCE HAS CONTINUED
TO OCCUR, CAUSING LOSS OF HUMAN LIVES, WIDESPREAD DEVASTATION
AND OTHER FORMS OF HUMAN SUFFERING,

REAFFIRMING THAT IT IS ONE OF THE FUNDAMENTAL OBLIGATIONS
OF MEMBER STATES TO ENSURE AND PROMOTE INTERNATIONAL PEACE
AND SECURITY BY PREVENTING OR ENDING ARMED CONFLICTS,

RECOGNIZING THAT ONE OF THE TRAGIC RESULTS OF ARMED CONFLICTS
IS THE LACK OF INFORMATION ON PERSONS, CIVILIANS AS WELL AS
COMBATANTS, WHO ARE MISSING OR DEAD IN ARMED CONFLICTS,

NOTING WITH SATISFACTION RESOLUTION V, ADOPTED BY THE TWENTY-
SECOND INTERNATIONAL CONFERENCE OF THE RED CROSS HELD AT
TEHERAN FROM 28 OCTOBER TO 15 NOVEMBER 1973, CALLING ON
PARTIES TO ARMED CONFLICTS TO ACCOMPLISH THE HUMANITARIAN
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TASK OF ACCOUNTING FOR THE MISSING AND DEAD IN ARMED CONFLICTS,
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BEARING IN MIND THE INADMISSIBILITY OF A REFUSAL TO APPLY
THE GENEVA CONVENTIONS OF 1949,/9/

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ACTION IO-10

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10 RSC-01

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05

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SCA-01 /131 W

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UNCLAS SECTION 2 OF 2 USUN 4808

REAFFIRMING THE URGENT NEED TO ENSURE FULL ADHERENCE TO,
AND EFFECTIVE IMPLEMENTATION OF, THE GENEVA CONVENTIONS OF
1949 ON THE PROTECTION OF WAR VICTIMS BY ALL STATES,
AND IN PARTICULAR THOSE SIGNATORIES TO THE GENEVA CONVENTIONS
OF 1949,

CONSIDERING THAT THE DESIRE TO KNOW THE FATE OF LOVED ONES
LOST IN ARMED CONFLICTS IS A BASIC HUMAN NEED WHICH SHOULD
BE SATISFIED TO THE GREATEST EXTENT POSSIBLE, AND THAT
PROVISION OF INFORMATION ON THOSE WHO ARE MISSING OR WHO HAVE
DIED IN ARMED CONFLICTS SHOULD NOT BE DELAYED MERELY BECAUSE
OTHER ISSUES REMAIN PENDING,

1. REAFFIRMS THE APPLICABILITY OF THE GENEVA CONVENTIONS
OF 1949 TO ALL ARMED CONFLICTS AS STIPULATED BY THOSE
CONVENTIONS;

2. CALLS ON PARTIES TO ARMED CONFLICTS, REGARDLESS OF THEIR
CHARACTER OR LOCATION, DURING AND AFTER THE END OF HOSTILITIES
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AND IN ACCORDANCE WITH THE GENEVA CONVENTIONS OF 1949,
TO TAKE SUCH ACTION AS MAY BE WITHIN THEIR POWER TO HELP
LOCATE AND MARK THE GRAVES OF THE DEAD, TO FACILITATE THE
DISINTERMENT AND THE RETURN OF REMAINS, IF REQUESTED BY
THEIR FAMILIES, AND TO PROVIDE INFORMATION ABOUT THOSE WHO
ARE MISSING IN ACTION;

3. APPRECIATES THE CONTINUING EFFORTS OF THE INTERNATIONAL
COMMITTEE OF THE RED CROSS TO ASSIST IN THE TASK OF ACCOUNT-
ING FOR THE MISSING AND DEAD IN ARMED CONFLICTS;

4. CALLS ON ALL PARTIES TO ARMED CONFLICTS TO CO-OPERATE IN ACCORDANCE WITH THE GENEVA CONVENTIONS OF 1949 WITH PROTECTING POWERS OR THEIR SUBSTITUTES, AND WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS, IN PROVIDING INFORMATION ON THE MISSING AND DEAD IN ARMED CONFLICTS, INCLUDING PERSONS BELONGING TO OTHER COUNTRIES NOT PARTIES TO THE ARMED CONFLICTS;

5. REQUESTS THE SECRETARY-GENERAL TO BRING THE PRESENT RESOLUTION TO THE ATTENTION OF THE SECOND SESSION OF THE DIPLOMATIC CONFERENCE ON THE REAFFIRMATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS.

/8/ INTERNATIONAL REVIEW OF THE RED CROSS, NO. 154 (JANUARY 1974), PP. 22-23;

/9) UNITED NATIONS, TREATY SERIES, VOL. 75, NOS. 970-973.

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